



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

March 13, 2015

FINAL SUMMARY MEMORANDUM REPORT

SUBJECT: [REDACTED],
Office of Radiation and Indoor Air
Case Number: OI-HQ-2014-ADM-0012

FROM: Patrick F. Sullivan
Assistant Inspector General for Investigations
Environmental Protection Agency
Office of Inspector General

TO: Nanci Gelb
Acting Assistant Administrator
Environmental Protection Agency
Office of Administration and Resources Management

This final summary memorandum report sets forth the Environmental Protection Agency (EPA), Office of Inspector General's (OIG) investigative finding for your review concerning the above-referenced case. As you know, my office coordinated with the Labor and Employee Relations (LER) Division and previously provided LER investigative materials identified in Attachment 1. The information was provided in response to LER's request, even though the investigation was ongoing, so that the information could be included in EPA's review and determination of whether administrative action is warranted in this matter. This memorandum report is the final report to be transmitted from the OIG to the agency on this matter.

Senate and House committees with jurisdiction over EPA have inquired about the results of this investigation. I have concluded that in this instance, it is appropriate to furnish these results with the committees, consistent with my obligation under the IG Act to keep both the head of the agency and the Congress fully and currently informed concerning fraud and other serious problems, abuses and deficiencies relating to the programs and operations of the agency

As background, on [REDACTED] 2013, the EPA OIG hotline received a complaint alleging EPA Employee [REDACTED] Office of Radiation and Indoor Air, Office of Air and Radiation (OAR) downloaded 7,383 files, or 1.3 gigabytes, of potential pornographic files onto an EPA Office of Air and Radiation (OAR) server.

On [REDACTED], 2013, special agents from my office responded to [REDACTED] work location ([REDACTED]) to retrieve his EPA issued computer and schedule an interview with him. As a special agent entered [REDACTED] assigned workspace, the special agent observed [REDACTED] viewing a pornographic image on an EPA computer monitor, which was attached to [REDACTED] EPA issued laptop computer. Special agents subsequently retrieved [REDACTED] EPA issued laptop for forensic analysis.

On [REDACTED] 2013, [REDACTED] was interviewed by special agents and admitted that he views and downloads pornographic images during his assigned work hours with EPA computer equipment during working hours. Specifically, [REDACTED] stated that he has spent between approximately two (2) and six (6) hours each work day for "several years," viewing and downloading pornography. [REDACTED] stated that "a lot" of his time each workday is spent "organizing" the pornography he downloaded into saved folders. [REDACTED] stated he did not believe he was doing anything "wrong" by accessing pornographic websites because he was completing the work his supervisor required him to do and that other employees within his division spend much of their assigned duty hours doing "personal" things other than official EPA business.

On May 27, 2014, special agents reviewed and analyzed the files on [REDACTED] government issued laptop. His laptop contained approximately 20,648 adult pornographic files. None of these files contained images of child pornography.

Sufficient evidence exists to support the finding that [REDACTED] misused government time and resources by viewing and organizing pornography on an EPA computer during scheduled working hours in violation of EPA policy.

On October 9, 2014, as part of the OIG's continuing coordination with the LER, special agents provided LER with several forensic reports related to the [REDACTED] investigation. Subsequently, OIG provided LER with a copy of [REDACTED] sworn statement, and the memorandum of his interview. (Attachment 1).

As an update on the criminal disposition of this case, on March 10, 2015, the United States Attorney's Office for the District of Columbia declined federal prosecution of [REDACTED] and therefore, this is now solely an administrative matter.

My office is taking no further investigatory action in this matter. This final summary memorandum report is provided "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of this memorandum report may be used by appropriate Agency officials for administrative action in conjunction with the other materials previously provided by my office. Please return this memorandum report after your review of this matter is completed.

Please advise my office within 30 days of administrative action(s) taken or proposed by you in this matter, if any.

If you have any questions or concerns, please don't hesitate to contact me at 202-566-0308.

ATTACHMENT

1. Memorandum of Activity - Includes a list of information EPA OIG provided to LER from October 9, 2014 to March 9, 2015.